

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KIMBERLY SCHWARTZ,

Plaintiff,

Case No. 18-cv-12190  
Hon. Matthew F. Leitman

v.

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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**ORDER (1) GRANTING DEFENDANT'S MOTION FOR SUMMARY  
JUDGMENT (ECF #12) AND (2) DENYING PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT (ECF #11)**

In this action, Plaintiff Kimberly Schwartz challenges the denial of her application for disability insurance benefits. (*See* Compl., ECF #1.) Schwartz and Defendant Commissioner of Social Security have now filed cross-motions for summary judgment. (*See* Motions, ECF ## 11, 12.)

On August 1, 2019, the assigned Magistrate Judge issued a Report and Recommendation in which he recommended that the Court grant the Commissioner's motion and deny Schwartz' motion (the "R&R"). (*See* R&R, ECF #15.) At the conclusion of the R&R, the Magistrate Judge informed the parties that if they wanted to seek review of his recommendation, they needed to file specific objections with the Court within fourteen days. (*See id.* at Pg. ID 902-03.)

Schwartz has not filed any objections to the R&R. The failure to object to an R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). In addition, the failure to file objections to an R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, because Schwartz has failed to file any objections to the R&R, **IT IS HEREBY ORDERED** that the Magistrate Judge's recommendation to grant the Commissioner's Motion for Summary Judgment and deny Schwartz' Motion for Summary Judgment is **ADOPTED**.

**IT IS FURTHER ORDERED** that (1) the Commissioner's Motion for Summary Judgment (ECF #12) is **GRANTED** and (2) Schwartz' Motion for Summary Judgment (ECF #11) is **DENIED**.

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: August 20, 2019

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 20, 2019, by electronic means and/or ordinary mail.

s/Holly A. Monda  
Case Manager  
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